

**REMARKS**

Claims 132-155 are pending in this application. Claims 132, 141 and 150 are independent.

The claims have been amended to improve form and to further clarify the invention according to U.S. patent practice. According to the reissue amendment rules, the above claim amendments show all present and previous changes made *with respect to the patent claims*. For the Examiner's convenience, also attached at the end of this paper is "APPENDIX A" which provides a list of *all claims* that indicate changes made *with respect to the last Amendment*. No new matter is added by this amendment.

Further, the specification has been amended to update the cross-reference section of the application.

**35 U.S.C. § 101 Rejection**

Claims 132-140 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

Without acquiescing to the Examiner's allegations made to reject these claims, but to expedite prosecution, independent method claim 132 has been amended to more positively recite an apparatus (machine) that accomplishes the method claims, as required. For instance, claim 132 as amended now recites, *inter alia*, "by the receiver" and "by the descrambler" in the body of the claim. Further, the method steps transform the underlying subject matter to a different thing, e.g., the scrambled data units are transformed into descrambled data units by the descrambling step.

Accordingly, independent claim 132 and its dependent claims 133-140 are in fully compliance with 35 U.S.C. § 101, and reconsideration and withdrawal of the rejection are respectfully requested.

**35 U.S.C. § 102 & § 103 Rejection**

Claims 132, 133, 135, 138, 141, 142, 144, 147, 150, 151 and 153 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Roth et al. Claims 134-155 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of Bourel et al. Claims 134-155 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of Bourel et al. and Kanota et al. These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Independent claim 132 requires, *inter alia*, “descrambling, by the descrambler, the one or more scrambled data units and the one or more succeeding data units based on the same control data, each of the one or more scrambled data units and the one or more succeeding data units including scrambled digital video data or scrambled digital audio data, wherein the same descrambler is used to descramble both the scrambled digital video data and the scrambled digital audio data” (emphasis added). Independent claims 141 and 150 recite similar features in a varying scope. These claimed features are neither anticipated nor render obvious by the applied art.

For instance, Roth is directed to an apparatus for decrypting only digital audio data, namely, an enciphered NICAM (Near Instantaneous Companded Audio Multiplex) signal as shown in FIG. 4, and is completely silent as to decrypting any scrambled digital video data. Thus, Roth’s decrypting apparatus is for decrypting only enciphered digital audio data, but is not used to descramble “both the scrambled digital video data and the scrambled digital audio data” as recited in independent claims 132 and 141, and as similarly recited in independent claim 150.

Further, Bourel does not overcome these deficiencies of Roth. For instance, Bourel as shown in FIG. 3 has two SEPARATE descrambling modules – (1) a video descrambling module 23 for

Amendment filed July 10, 2009

In response to the final Office Action dated April 13, 2009

descrambling an analog video signal and (2) an audio descrambling module 211 for descrambling a digital sound signal. Bourel emphasizes at col. 4, lines 26-37 and col. 5 lines 46-63 how these descrambling (& scrambling) modules are independent, separate and distinct. Thus, Bourel fails to teach or suggest “the same descrambler is used to descramble both the scrambled digital video data and the scrambled digital audio data” as recited in independent claims 132 and 141, and as similarly recited in independent claim 150. Moreover, Bourel’s video descrambling module 23 is for descrambling the analog video signal, and Bourel does not teach any descrambling module that descrambles digital video data as in Applicant’s claimed invention.

Moreover, Kanota does not overcome the deficiencies of Roth or Bourel. In fact, there is no descrambler discussed in Kanota. As shown in Fig. 1A, Kanota’s reproducing section 31 reproduces digital signals from a magnetic tape 1 and outputs them as analog signals to a recording section 32 shown in Fig. 1B. Kanota’s recording section 32 in Fig. 1B receives the analog signals, converts them into digital signals, and selectively scrambles only the video digital signals based on an ID signal for recording on a magnetic tape 27. If the video signal is allowed to be reproduced, then the non-scrambled video signal is recorded on the tape 27, whereas if the video signal is NOT allowed to be reproduced, then the scrambled video signal is recorded on the tape 27 for preventing reproduction. Thus, Kanota pertains to scrambling video signals to avoid reproduction, and does not teach any details on the descrambling features recited in each independent claim.

Therefore, Roth, Bourel, and Kanota, either taken singly or in combination, fail to teach or suggest at least the above-noted features recited in independent claims 132, 141 and 150. Accordingly, claims 132, 141 and 150 and all their dependent claims are patentable over the applied art, and reconsideration and withdrawal of the rejections are respectfully traversed.

**Conclusion**

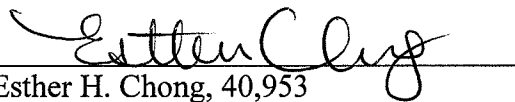
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Reg. No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: July 10, 2009

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Esther H. Chong, 40,953

EHC/kt  
0465-1990PUS1

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Enclosure: 1) **APPENDIX A**